

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
WASTEWATER PERMITS PROGRAM

INVITATION TO COMMENT ON SUBJECTS RELATED TO THE PENDING RENEWAL OF
GENERAL DISCHARGE PERMIT NO. 12SW (NPDES No. MDR00)

General Permit for Discharges from Stormwater Associated with Industrial Activities

On October 5, 2012, the Department published notice of its tentative determination to renew the current general discharge permit for stormwater associated with industrial activities and replace it with proposed General Discharge Permit No. 12SW (NPDES No. MDR00). The proposed permit applies to stormwater discharges from various discharge categories of industrial facilities in the state of Maryland. The comment period for the proposed permit closed on January 4, 2013. The previous comment period satisfied the tentative permit requirements for public participation. The Department is preparing a final permit determination and is now informally seeking comments limited to the specific items detailed below prior to issuing a final permit. The Department may choose at any time to withdraw this request for comments and proceed with a final permit determination.

1. The Department is considering revising the proposed generic requirement that all "FLEETs" obtain coverage and replacing it with the following specific additional sectors: **Sector AD.1 - Department of Public Works and Highway Maintenance Facilities** (SIC 1611, 1622, 1623, 1629, 4212, 4213, 4214, 4215 and 4231) and **Sector AD.2 – School Bus Fleet Maintenance Facilities** (SIC 4151, 82xx). Background: EPA under 40 CFR 122.26(a)(9)(i)(D) provides authority to delegated states to designate additional sectors as stormwater associated with industrial activity. These two sectors proposed for designation are consistent with the approach the Department has taken with implementation of the stormwater permit requirements over most of the history of the prior general permits for stormwater associated with industrial activity.
2. The Department is considering revising the permit to clarify that any additional numerical water quality based limits for any specific discharger under Part III.B.2 of the proposed permit shall be based solely on Maryland's Numeric Water Criteria for Designated Uses in COMAR 26.08.02.03-3 and Maryland's Criteria for Toxic Substances in Surface Waters in COMAR 26.08.02.03-2, applied at end of pipe, or the applicable wasteload allocation in a final approved TMDL. Background: This clarification provides the public and the permittees the basis and the specific numerical limits that would be implemented in those situations.
3. The Department is considering specifying in the pending final determination that a No Exposure Certification will not relieve any facility, regardless of location or local impairment status, from an obligation to obtain permit coverage, but such certification would exempt the permittee from 1) the control measures required in Part III.B; 2) the requirement for a SWPPP in Part III.C; and 3) Monitoring and Reporting requirements of Part V of the permit. However, the requirements for restoration of impervious surfaces in Part III.A, the corrective actions in Part IV, and the standard permit conditions in Part VI would be applicable to all permittees. Background: In the tentative determination the exception to the allowance for no exposure certification applies only where there is an impairment status for the receiving waters while the restoration requirement applies regardless of impairment status. This proposed change is more consistent with both requirements.
4. The Department is planning to include a section for "Inactive and Unstaffed Sites" as provided in the EPA national Multi-Sector General Permit (MSGP). Background: To maintain consistency with the MSGP.
5. The Department is considering adjusting the metal benchmarks in the permit so that the listed values are based on the same default hardness value used in COMAR 26.08.02.03-3, which is 100 mg/l. The corresponding benchmark for copper becomes 0.0123 mg/L, the benchmark for lead becomes 0.069 mg/L, and the benchmark for zinc becomes 0.11 mg/L. Background: To be consistent with criteria as listed in COMAR.
6. The Department will be removing "Source-Separated Recycling" from the benchmark categories. Background: Again for consistency with the MSGP.
7. The Department is considering adding to the permit requirements for benchmark monitoring two additional industry sectors: Sector L (Landfills, Land Application Sites) and Sector U (Food and Kindred Products). The specific benchmarks contemplated are:

- a. Sector L (Landfills, Land Application Sites): Total Suspended Solids (TSS) at 100 mg/L and Total Iron at 1.0 mg/L (except Municipal Solid Waste Landfill Areas Closed in Accordance with 40 CFR 258.60).
- b. Sector U (Food and Kindred Products)
 - i. **Subsector U1** Grain Mill Products (SIC 2041-2048) for Total Suspended Solids (TSS) at 100 mg/L and
 - ii. **Subsector U2** Fats and Oils Products (SIC 2074-2079) for Biochemical Oxygen Demand (BOD5) at 30 mg/L, Chemical Oxygen Demand (COD) at 120 mg/L, Nitrate plus Nitrite Nitrogen at 0.68 mg/L, and Total Suspended Solids (TSS) at 100 mg/L.

Background: These two sectors are proposed in response to comments after completing an additional review of the MSGP industry sector facilities in Maryland. The resulting benchmark sectors represent the largest sectors with regard to historical needs for inspection and/or numbers of facilities. Regarding Sector U, the Tentative Determination used only one overall sector for Food and Kindred Products, and this revision uses the subsector approach from the MSGP for this category.

- 8. For those covered under the existing 02-SW, the Department is proposing the following revised deadlines and additional requirements:
 - a. Electronic submission of the NOI is required and due 90 days after the permit effective date. As part of the NOI the applicant will be required to certify that they have a current Stormwater Pollution Prevention Plan (SWPPP) in accordance with, at a minimum, the requirements of the 02-SW industrial storm water general permit.
 - b. You must review and update your SWPPP to implement all associated requirements in General Permit 12-SW and submit the SWPPP to the Department no later than 6 months after the effective date of the General Permit.
 - c. The permittee must begin complying with the benchmark monitoring requirements beginning no later than 6 months after the permit effective date.
 - d. A copy of the required restoration plan must be submitted to the Department no later than one year after the permit effective date.

Written comments concerning these potential changes may be considered in the preparation of a final determination if received by Michael Richardson at Maryland Department of the Environment, 1800 Washington Blvd., Suite 455, Baltimore, MD 21230-1708, or (fax) 410-537-3163, by close of business on or before Friday, May 20, 2013. Any questions regarding this request for comments should be directed to Paul Hlavinka at the Maryland Department of the Environment, Water Management Administration, at phlavinka@mde.state.md.us, or by telephone at 410-537-3323.